

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2513 – SB 2546

March 15, 2018

SUMMARY OF ORIGINAL BILL: Requires the Tennessee Bureau of Investigation (TBI) to review the number of expunction petitions filed in 2018 for crimes committed prior to November 1, 1983, and report to the General Assembly in January 2020.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015197): Deletes all language after the enacting clause and rewrites the proposed legislation to authorize expunction of class D felony convictions for theft, forgery, criminal simulation, fraudulent use of a credit card, worthless checks, and identity theft.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – Exceeds \$5,000/TBI
Exceeds \$13,000/District Attorneys Expunction Fund

Increase Local Revenue – Exceeds \$10,000/Court Clerks/Permissive

Assumptions for the bill as amended:

- Tennessee Code Annotated § 40-32-101(g)(1) defines “eligible petitioner” as a person who was convicted of specific class E felonies and sentenced to imprisonment for a term of three years or less for an offense committed after November 1, 1989.
- The listed class E felony offenses include, among others, theft, forgery, criminal simulation, fraudulent use of a credit card, worthless checks, and identity theft. A person may have his or her record expunged for these offenses if the offense was classified as class E felony.
- The proposed legislation would allow a person to have his or her record expunged for a class D felony conviction for theft, forgery, criminal simulation, fraudulent use of a credit card, worthless checks, and identity theft.

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- Statistics from the Administrative Office of the Courts show the following convictions over the last 10 years for class D felony offenses:
 - Theft – 11;
 - Forgery – 2,119;
 - Criminal Simulation – 640;
 - Fraudulent Use of a Credit Card – 629;
 - Worthless Checks – 650; and
 - Identity Theft – 9,433.
- Tennessee Code Annotated § 40-32-101(g)(1) applies to convictions after November 1, 1989. Every offense except identity theft under the proposed legislation was enacted in 1989. The offense for identity theft was enacted in 1999.
- There is insufficient data on the total number of class D felony convictions since November 1, 1989, but based on the number of class D felony convictions over the last 10 years, it is reasonable to assume that the proposed legislation would authorize expunction for more than 20,000 individuals.
- The proposed legislation will increase expunctions by at least 100 per year.
- Tennessee Code Annotated § 40-32-101(g)(10) requires each person seeking expunction to pay a \$180 fee, of which \$50 is transmitted to the Tennessee Bureau of Investigation (TBI) and \$130 is transmitted to the District Attorneys Expunction Fund.
- The proposed legislation will increase recurring state revenue by at least \$5,000 (\$50 x 100) to the TBI and by at least \$13,000 (\$130 x 100) to the District Attorneys Expunction Fund.
- Tennessee Code Annotated § 8-21-401 authorizes the court clerk to charge a \$100 fee in addition to the \$180 expunction fee.
- The proposed legislation will increase permissive local revenue by at least \$10,000 (\$100 x 100).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/trm